

**UNITED STATES DISTRICT COURT
SOUTHERN DIVISION OF TEXAS
HOUSTON DIVISION**

JOHN DEREK LAGWAY,)(
)(CIVIL ACTION NO.: 4:09-cv-01732
Plaintiff,)(
V.)(
CITY OF CONROE, TEXAS; OFFICER)(
BRENT STOWE; and OFFICER ERIC)(
BURKE, INDIVIDUALLY,)(
Defendants.)(

PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO FRCP 26a

NOW COME PLAINTIFF and files these Initial Disclosures pursuant to Rule 26 a(1) and (2) of the Federal Rules of Civil Procedure:

(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

John Derek Lagway, plaintiff and his wife
c/o Randall L. Kallinen, Attorney at Law
511 Broadway Street
Houston, Texas 77012
Telephone: 713/320-3785
Has knowledge of the facts of this case.

Charlie Ray
Conroe Police Department
700 Old Montgomery Road
Conroe Texas 77301
Telephone: 936/522-3200
Chief of Police has knowledge of facts of the case.

Ms. Eddie Lagway
215 S Danville Street
Willis, TX 77378-8631
Telephone: 936/760-4300
Has knowledge of cats-arrived at scene of incident and spoke with Charlie Ray.

Randall L. Kallinen, Attorney at Law
511 Broadway Street
Houston, Texas 77012
Telephone: 713/320-3785
Mr. Kallinen will testify both factually and as an expert as to the reasonable and necessary attorney's fees and expenses.

Curtis Gilford, Sr.
936/890-10126
Has knowledge of the facts regarding the work plaintiff did on his car.

Lt. Roger A. Clark
10207 Molino Road
Santee, CA 92071
Telephone: 208/351-2458
Fax: 619/258-0045.
Lt. Clark is a police practices expert on excessive force, detentions, arrests and policies, customs, procedures and practices of police departments and officers and will testify as to his findings regarding excessive force, false arrest, destruction of suspect's recordings, training, malicious prosecution, discipline and laws concerning identification and failure to identify as well as assault.

Brent Stowe, defendant
c/o Steven D. Selbe, atty.
Gordon & Rees, LLP
1900 West Loop South, Suite 100
Houston, Texas 77027

Any individual identified in defendants' disclosures or discovery responses, and any individual identified in any and all previous claims and lawsuits against the City of Conroe where individuals have been searched without permission and/or beyond the reasonable search and seizure allowed by law.

(ii) a copy — *or a description by category and location* — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or

control and may use to support its claims or defenses, unless the use would be solely for impeachment;

All materials disclosed or produced by defendants. All materials produced by plaintiffs. Business records of Lagway Accessories. Driver's license, registration and auto insurance of Derek Lagway.

(iii) a computation of each category of damages claimed by the disclosing party — who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;

Plaintiff seeks damages for his Constitutional violations involving detention, loss of liberty, unreasonable search and a seizure and use of force by defendant to which the plaintiffs will ask the jury for reasonable compensation. Plaintiff will request punitive damages against each individual defendant in amount to be determined. Plaintiff will ask for damages associated with pain and suffering, false imprisonment, offensive touching, and mental anguish in amounts which may not be determined until closing arguments.

Plaintiff will seek reasonable attorney's fees and expenses using the well-known *Lodestar* factors. As case law provides that the hourly rate of an attorney may be decided based upon the facts and circumstances available at the end of the litigation plaintiff will defer stating the exact hourly rate until near the end of the litigation or at another appropriate time.

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

None.

(2) Disclosure of Expert Testimony.

Randall L. Kallinen, Attorney at Law
511 Broadway Street
Houston, Texas 77012
Telephone: 713/320-3785

Mr. Kallinen will testify both factually and as an expert as to the reasonable and necessary attorney's fees and expenses.

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Plaintiff avers that their discovery responses, deposition testimony, and defendants' disclosures and discovery responses as well as products of subpoenas of third parties will serve as additions to these initial disclosures without the need to file a written supplement to plaintiff's disclosures.

RESPECTFULLY SUBMITTED,
LAW OFFICE OF RANDALL L. KALLINEN

/s/ Randall L. Kallinen

Randall L. Kallinen
State Bar of Texas No. 00790995
Southern District of Texas Bar No.: 19417
Admitted, Fifth US Circuit Court of Appeals
511 Broadway Street
Houston, Texas 77012
Telephone: 713/320-3785
E-mail: AttorneyKallinen@aol.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

A true and correct copy of the document to which this certificate is affixed has been served on the attorney(ies) and pro se parties as indicated below on November 26, 2009.

Steven D. Selbe, atty. (via ECF)
Gordon & Rees, LLP
1900 West Loop South, Suite 100
Houston, Texas 77027

/s/ Randall L. Kallinen

Randall L. Kallinen

PLAINTIFF'S INITIAL DISCLOSURES

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